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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,556	01/25/2002	Michael W. Wallace	3301-007	4673

7590

05/04/2005

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EXAMINER

ABEL JALIL, NEVEEN

ART UNIT

PAPER NUMBER

2165

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/057,556

Applicant(s)

WALLACE, MICHAEL W.

Examiner

Neveen Abel-Jalil

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on April 1, 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**SAM RIMELL**  
**PRIMARY EXAMINER**

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1-April-2005 has been entered.
2. The amendment filed on 1-April-2005 has been received and entered. Claims 1-19 are pending.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claim 1-3, and 5-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over May et al. (U.S. Patent No. 5,544,354) in view of Li et al. (U.S. Patent No. 5,608,899).

As to claim 1, May et al. discloses a method for selecting among multiply-categorized items, comprising:

storing within a memory a list of a plurality of media (See May et al. abstract, wherein “memory” reads on “database” ) content items and associated top-level categories, including at least one having associated therewith two or more top-level categories (See May et al. column 19, lines 7-22, and see May et al. column 18, lines 18-39, and see May et al. figure 1G, shows all movies titles listed alphabetically under the selected category, also see May et al. abstract);

allowing selection under control of the processor (See May et al. column 32, lines 35-56) by a user of two or more top-level categories from the list of categories stored in memory (See May et al. column 5, lines 26-57, wherein “selecting at least two” reads on “filters the title of the cells that are available at”);

presenting to the user on a display the sub-list of selected media content items (See May et al. column 32, lines 35-56).

May et al. does not teach selecting for presentation to the user under control of the processor in a single compile a sub-list of only those media content items associated with all of the two or more top-level categories selected by the user.

Li et al. teaches selecting for presentation to the user under control of the processor in a single compile a sub-list of only those media content items associated with all of the two or more top-level categories selected by the user (See Li et al. column 3, lines 26-57).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified May et al. to include selecting for presentation to the user under control of the processor in a single compile a sub-list of only those media content items associated with all of the two or more top-level categories selected by the user.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified May et al. by the teaching of Li et al. to include selecting for presentation to the user under control of the processor in a single compile a sub-list of only those media content items associated with all of the two or more top-level categories selected by the user because it allows for efficient retrieval of search results and more accurate results.

As to claim 2, May et al. as modified does not teach wherein the top-level categories include "action" (See May et al. figure 1, 2.2.6).

As to claim 3, May et al. as modified does not teach wherein the top-level categories includes "adventure" (See May et al. figure 1, 2.2.6).

As to claim 5, May et al. as modified discloses wherein the top-level categories includes "comedy" (See May et al. figure 1, 2.2.3).

As to claim 6, May et al. as modified discloses wherein the top-level categories includes "drama" (See May et al. figure 1, 2.2.9).

As to claim 7, May et al. as modified discloses wherein the top-level categories includes "foreign" (See May et al. figure 1D, 2.2.11).

As to claim 8, May et al. as modified discloses wherein the top-level categories includes "musical" (See May et al. figure 1, 2.2.10).

As to claim 9, May et al. as modified discloses wherein the top-level categories includes "sci-fi" (See May et al. figure 1, 2.2.8).

As to claim 10, May et al. discloses wherein the top-level categories includes "romance" (See May et al. figure 1, 2.2.12).

As to claim 11, May et al. as modified discloses comprising the steps of:

presenting on the display a submenu list associated (See May et al. column 31, lines 5-55) with each of the plurality of media content one or more items (See May et al. column 18, lines 18-39, also see May et al. column 5, lines 26-47); and

allowing selection by a user of one or more items from the submenu list (See May et al. column 7, lines 26-66); and

selecting for presentation to the user a list of only those media content items associated with all of the two or more top-level categories selected by the user that are also associated with the items selected from the submenu list (See May et al. column 7, lines 26-66, and see May et al. column 20, lines 11-45, wherein "submenu" reads on "level within a database", also see May et al. column 2, lines 20-51, prior art).

As to claim 12, May et al. as modified discloses wherein the step of allowing selection from the submenu list occurs after the step of allowing selection of the top-level categories (See May et al. column 3, lines 42-53, prior art, also see May et al. column 15, lines 11-33).

As to claim 13, May et al. as modified discloses wherein the step of allowing selection of items from the submenu list includes displaying the items to the user, wherein the items displayed is dependent upon the top-level categories selected by the user (See May et al. column 5, lines 26-57, also see May et al. column 17, lines 5-38, wherein “top-level” reads on “movies”).

As to claim 14, May et al. discloses a method for selecting for display content of a display screen, the method comprising the steps of:

- displaying a list of top-level categories on a display screen (See May et al. figure 1D);
- selecting at least two of the top-level categories from the list (See May et al. column 5, lines 26-57, wherein “selecting at least two” reads on “filters the title of the cells that are available at”); and

- presenting on the display screen content responsive to said selecting step (See May et al. column 5, lines 26-57).

May et al. does not teach performing a single compile on the selected top-level categories.

Li et al. teaches performing a single compile on the selected top-level categories (See Li et al. column 3, lines 26-57, wherein “a single compile” reads on “query”).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified May et al. to include performing a single compile on the selected top-level categories.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified May et al. by the teaching of Li et al. to include performing a single compile on the selected top-level categories because it allows for efficient retrieval of search results and more accurate results.

As to claim 15, May et al. as modified discloses further comprising the steps of:  
selecting at least one item from a submenu list (See May et al. figure 1E, 107, “Forbidden Planet” is selected as the movie of choice from the listed cells in the submenu list under top-level category “adventure”); and  
presenting on the display screen data associated with said selected item and said selected top-level categories (See May et al. column 5, lines 26-57, wherein “presenting on the display screen” reads on “preview”).

As to claim 16, May et al. as modified discloses wherein the step of presenting on the display screen content responsive to said selecting step includes the step of displaying of list of content associated with all of said top-level categories selected from the list (See May et al. column 19, lines 7-22, and see May et al. column 18, lines 18-39, and see May et al. figure 1G, shows all movies titles listed alphabetically under the selected category).



As to claim 17, May et al. as modified discloses wherein the step of presenting on the display screen content responsive to said selecting step includes the step of displaying of list of content associated with exactly all of said top-level categories selected from the list (See May et al. column 5, lines 26-57, also see May et al. column 17, lines 5-38, wherein “top-level” reads on “movies”).

As to claim 18, May et al. as modified discloses wherein the step of presenting on the display screen content responsive to said selecting step includes the step of displaying a list of content associated with any one or more top-level categories selected from the list (See May et al. figure 11, 1105, shows “top-level categories selected from a list” represented by “set up matrix cell list”, also see May et al. figure 1E, 107, “Forbidden Planet” is selected as the movie of choice from the listed cells in the top-level category “adventure”).

As to claim 19, May et al. as modified discloses wherein the list of top level categories includes at least four of the following: action, adventure, adult, comedy, drama, foreign, musical, romance and sci-fi (See May et al. figure 1D).

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over May et al. (U.S. Patent No. 5,544,354) in view of Li et al. (U.S. Patent No. 5,608,899) and further in view of Swix et al. (U.S. Patent No. 6,718,551 B1).

As to claim 4, May et al. as modified still does not teach wherein the top-level categories includes "adult".

Swix et al. teaches wherein the top-level categories includes "adult" (See Swix et al. column 10, lines 40-46, also see Swix et al. figure 3, 302).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified May et al. as modified to include wherein the top-level categories includes "adult".

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified May et al. as modified by the teaching of Swix et al. to include wherein the top-level categories includes "adult" because it allows for targeted selection and user customization and introducing viewer discretion.

#### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 571-272-4074. The examiner can normally be reached on 8:30AM-5: 30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 571-272-4038. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Neveen Abel-Jalil  
April 25, 2005

  
**SAM RIMELL**  
**PRIMARY EXAMINER**